

1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2 **March 23, 2020**

3 **NO. 20-8500-006**

4 **IN THE MATTER OF**
5 **ADDITIONAL PRECAUTIONARY MEASURES**
6 **FOR COURT OPERATIONS IN THE**
7 **NEW MEXICO JUDICIARY DURING THE**
8 **COVID-19 PUBLIC HEALTH EMERGENCY**

9
10 **ORDER**

11
12 WHEREAS, the New Mexico Judiciary performs a vital function in our
13 community for the public’s safety and to uphold the rule of law and provide
14 essential justice services to the public guaranteed by the Constitution and laws of
15 the United States and State of New Mexico, which must be provided at all times
16 and especially during times of crisis;

17 WHEREAS, the need for protective health measures in New Mexico
18 courthouses remains a top priority for the New Mexico Judiciary to ensure that
19 courts can remain open to provide essential public safety services and maintain the
20 rule of law in a safe environment for all New Mexicans; and

21 WHEREAS, in light of the evolving public health emergency, and the Court
22 wishing to provide additional guidance and direction to the New Mexico Judiciary
23 for limiting in-person appearances and gatherings of individuals in courthouse and
24 being sufficiently advised, Chief Justice Judith K. Nakamura, Justice Barbara J.

1 Vigil, Justice Michael E. Vigil, Justice C. Shannon Bacon, and Justice David K.
2 Thomson concurring:

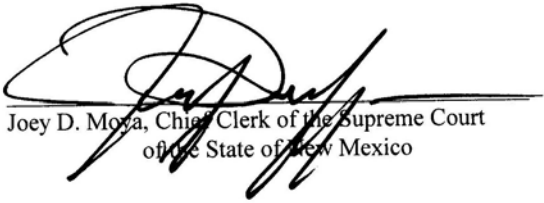
3 NOW, THEREFORE, IT IS ORDERED that this Court's March 17, 2020,
4 Order No. 20-8500-002, at page 4, lines 16 through 23, which granted judges
5 expanded discretion to authorize telephonic and audio-visual attendance for court
6 appearances is AMENDED, effective immediately, as set forth in this order to
7 authorize court appearances by remote methods to fullest extent possible. All
8 judges are now required to use telephonic or audio-visual attendance for court
9 appearances by attorneys, litigants, witnesses, and the press, unless there is an
10 emergency need for an in-person appearance. The parties may, by motion, request
11 in-person appearances where necessary. If a judge identifies a need for an in-
12 person appearance on the judge's own initiative, prior to proceeding with the in-
13 person appearance, the judge shall confer with the parties and the chief judge of
14 the district. Judges may continue to take other protective measures, including the
15 granting of continuances upon motion of any party or the judge's own motion, in
16 appropriate cases when remote appearances are not feasible under the
17 circumstances. Any criminal procedure rules requiring the presence of the
18 defendant may continue to be accomplished through remote, audio-visual
19 appearance, provided that confidential communication between the defendant and
20 defense counsel is made available;

1 IT IS FURTHER ORDERED that Order No. 20-8500-002, at page 4, lines 8
2 through 14, which limited the gathering of individuals in locations within the
3 courthouse to no more that twenty-five (25) people is AMENDED, effective
4 immediately, as set forth in this order to further restrict the size of gatherings in
5 courthouses. All gatherings of individuals in a single, connected location within a
6 courthouse or other building are now further limited to no more than fifteen (15)
7 people - which includes judges, court personnel, jurors, attorneys, litigants, the
8 general public, and the press - to facilitate appropriate social distancing as
9 recommended by public health authorities. The chief judge of the district may
10 extend a gathering of individuals in a courthouse to a maximum of twenty-five
11 (25) if there is an emergency need to do so; and

12 IT IS FURTHER ODRDERED that this order shall remain in effect until
13 amended or withdrawn by future order of the Court.



WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 23rd day of March, 2020.


Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico

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